

04-03-02

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Roberds et al.

Confirmation No.: 3061

Application No.: 09/802,668

Group No.: 1632

Filed: March 9, 2001

Examiner: O. Chernyshev

For: HUMAN ION CHANNELS

EXPRESS MAIL LABEL NO.: EL 926697209  
DATE OF DEPOSIT: April 1, 2002

Adjustment date: 08/05/2002 AKELLEY  
04/05/2002 CNGUYEN 00000064-233050 09802668  
01 FC:122 130.00 CR

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S)  
CONSIDERED AS OMITTED BY THE P.T.O. RESPONSE TO  
"NOTICE OF OMITTED ITEMS" NONPROVISIONAL APPLICATION**

1. This is in response to the Notice of Omitted Items mailed for this application on March 21, 2002 indicating that page 21 of the specification was omitted. A copy of the Notice of Omitted Items is enclosed.
2. Applicant asserts that page 21 was in fact deposited with the P.T.O. with the original application papers filed on March 9, 2001.
3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, ( see MPEP, § 601.01(d), 7<sup>th</sup> Edition) applicant hereby:
  - A. Petitions under 37 section 1.53(e) for a review of the determination that the items in issue were omitted;
  - B. Submits the petition fee under 37 section 1.17(i) and
  - C. Submits the following evidence of the deposit of the items in issue:  
**A true and correct copy of the return postcard specifically identifying pages 1-138 of the specification were received by the United States Patent Office evidenced by the Patent Office's mail date stamp**
  - D. Submits a courtesy copy of page 21 of the specification.

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## 4. Fee Payment

- Attached is a check in the amount of \$130.00
- Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 23-3050
- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

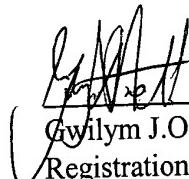
A duplicate of this paper is attached.

## 5. Request for Refund For Petition Fee Under 37 CFR 1.53(e)

It is respectfully requested that, upon grant of the petition under 37 section 1.53(e), the petition fee be refunded by crediting Deposit Account No. 23-3050

A duplicate of this paper is attached.

Date: April 1, 2002

  
\_\_\_\_\_  
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Paper: Patent Application Transmittal Letter in dup.; Specification including claims and abstract (pages 1-138); Unexecuted Declarations Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821 through 1.825; Paper copy of Sequence Listing (pages 1-50); Computer readable copy of Sequence Listing; Check in the amount of \$5,517.00; All Via Express Mail No.: EL568028323US

Applicant(s) : Gabriel Vogeli, Alla M. Karnovsky, Cara Ruble, Lisa I. Linske-O'Connell, Jun Wang, and Derong Liu

Title: Human Ion Channels

Serial No.: Not yet assigned

Filed: Herewith

Docket No.: PHRM-0319 (00069.US1)

Date Sent: March 9, 2001 MD/GJOA/H. Busk

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